
(1995) 02 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

PROF.H.K.RANGANATH

APPELLANT

Vs

MANAGER, SOUTH INDIA SINGAPORE AIRLINES LTD

RESPONDENT

Date of Decision : 28-02-1995

Acts Referred:

Citation : 1995 2 CPR 151 : 1995 3 CPJ 253

Hon'ble Judges : D.R.Vithal Rao , Susheela Cheluvaraju J.

Final Decision : Complaint dismissed

Judgement

1. IN this complaint the complainant Prof. H.K. Ranganath, Hon. Director of Bharatiya Vidya Bhavan, Bangalore, has sought compensation in a sum of 10,000/- Singapore dollars equivalent to Rs. 1,87,000/- from Opp. Party Nos. 1 and 2 - Singapore Air Lines Ltd. for mental agony, suffering and the embarrassment undergone by him due to wrong advice given to him by the Singapore Airlines ground staff at Sidney Airport on 4.10.1991.

2. IT is the case of the complainant that he purchased the air ticket, Ex. C.I from the Singapore Airlines at Bangalore for his travel from Bangalore to Sidney via Singapore and for his return journey from Sidney on 4th October, 1991 to Madras with a stop over in Singapore to attend pre-fixed business meetings and official contacts at Singapore. The complainant according to the schedule his return journey from Sidney was on 4.10.1991. When he reached the Sidney Airport the officials of the opp. party Airlines on examining his passport and air ticket refused to check him on 4.10.1991 and advised him to postpone his journey to Singapore from Sidney by 24 hours. The officials of the Airlines told him that if he were to leave Sidney on 4th October 1991 and reach Singapore, he would not be able to get a transit visa at the Chengi Airport in Singapore for his stay in Singapore City till his onward journey from Singapore on 7.10.1991. The Opp. Party/Airlines officials assured the complainant that if he left Sidney on 5.10.1991, he would be able to get the transit visa at Chengi Airport. The Complainant averred that the officials of the Opp. Party/Airlines at Sidney gave him wrong advice to postpone the journey from Sidney from 4.10.1991 to

5.10.1991. The complainant was compelled to leave Changi Airport on 5.10.1991 itself for Madras. He was not permitted to stay in Singapore to fulfil his commitments as fixed earlier for want of transit visa. In consequence of which the complainant suffered physical discomfort, mental agony and embarrassment and averred that the services rendered by the opp. party - Singapore Airlines were deficient in nature.

The complainant nextly averred that immediately after reaching India he made a complaint to the Singapore Airline Authorities, who offered a free Madras/Singapore return Economy Class ticket and 3 night complimentary hotel accommodation at Singapore. The complainant declined to accept the said offer and sought compensation from the opp. Party-Airlines, as referred above.

3. THE Opp. Party-Airlines filed its version admitting the fact that the complainant had purchased a ticket for his journey from Madras to Sidney and return journey from Sidney to Madras as averred by the complainant. THE opp. party-Airlines further averred that their officials at Sidney Airport has not advised the complainant to postpone the return journey from 4th October, 1991 to 5th October, 1991. It also denied the fact that the opp. party-Airlines officials at Sidney Airport had assured the complainant to secure a transit visa for his stay at Singapore at Singapore Airport. The opp. party-Airlines further averred that it was the duty of the passenger to secure a visa and it is the discretion vested with the Immigration Officials at Singapore to admit or not to admit passengers and the Airlines had nothing to do with regard to the grant or otherwise of visa to the passengers.

4. THE opp. party-Airlines further averred that it offered to the complainant as a gesture of goodwill a free Madras/Singapore return economy class ticket as it found that the complainant had undergone embarrassment due to certain misunderstandings. This fact does not amount to admitting the fact that the opp. party-Airlines officials at Sidney Airport had misguided the complainant. The opp. party-Airlines, on the basis of these averments, sought the complaint to be dismissed. During enquiry the complainant examined himself as C.W. 1 and got Exs. C.1 to C. 21 marked in evidence. The opp. party-Airlines got an Executive of the Airlines examined as R.W. 1.

5. WE heard the learned Counsel for the parties and perused the material on record.

6. HAVING regard to the pleadings of the parties and submissions made by the learned Counsel for the parties, the points that arise for our consideration are: (a) Whether the complainant proves that the opp. party-Airlines officials at Sidney Airport on 4.10.1991 did advice the complainant to postpone his return journey from 4.10.1991 to 5.10.1991; and whether the opp. Party-Airlines officials did assure him to secure a transit visa at Chengi Airport, Singapore? (b) To what relief the complainant is entitled? Regarding point (a): The complainant has averred that on 4.10.1991 the officials of the opp. party-Airlines at Sidney

Airport advised him to postpone his journey by 24 hours and then he would be able to secure a transit visa at Chengi Airport. The complainant in his evidence has stated thus: "As the Singapore Airlines had told me at Sidney that I would have no difficulty for staying in Singapore for 2 nights if I were to leave Sidney Airport on 5.10.91 instead of 4.10.91. I say that it was the ground staff of Singapore Airlines at Sidney Airport who told me that I would have no difficulty for my stay for 2 nights in Singapore if I were to leave by 5th of October 1991. I further say that this was the checking in ground staff." The complainant has not placed any other material on record to show that who the officials were who had advised him to postpone his journey. He has not even given the names of those officials. The complainant has not taken any endorsement in this regard on the travel ticket or there is any other material on record to show that the officials of the opp. party-Airlines had so advised the complainant.

The opp. party-Airlines has denied the fact that their officials had so advised the complainant at Sidney Airport on 4.10.1991.

7. THE learned Counsel for the complainant referred to the letters of the opp. Party-Airlines as per Ex. C.8 dated 20th January 1992 and Ex. C.16 dated 19.5.1992. THE relevant para in Ex. C.8 reads as under: "We cannot understand how any of our staff could have given you the information that if you delayed your departure from Sydney by one day, the Singapore Immigration Authority would be able to grant you a transit visa upon arrival at Chengi. If it had been so, we apologized. We have reviewed your case and as a gesture of goodwill, are prepared to offer you a Madras/Singapore return Economy Class ticket." THE relevant paras of the letter Ex. C.16 read as under: "Our findings reveal that while our staff to assist with visa checks from time to time, there is no record that they indeed rendered such advice in this case."

We sympathise with your client's unfortunate experience, and well appreciate his frustration in the matter. Nevertheless, we very much regret that we are unable to accede to your client's claim as the responsibility for ensuring that his travel documents were in order rested with your client. We are, however, pleased to reiterate our goodwill offer which was made known to client previously as follows: 1. One free Madras/Singapore return Economy Class SIA ticket; and 2. Three (3) highest complimentary hotel accommodation in Singapore."

The learned Counsel for the Complainant, on the basis of these letters submitted that virtually the opp. party-Airlines had admitted the deficiency in service and offered the return journey ticket Madras/Singapore and from Singapore/Madras.

8. THE complainant is an eminent personality in the field of Education, an Hon. Director of Bharatiya Vidya Bhavan, Bangalore. THE opp. party-Airlines having regard to the high status of the complainant, even though there was not material to show that the opp. party-Airlines Authorities at Sidney Airport on 4.10.1991 advised the complainant to postpone the journey; offered as a gesture of goodwill a free return journey air ticket to the complainant. But by this alone we

are unable to hold, in the absence of any other supporting material to the version of the complainant, that the opp. party-Airlines officials at Sidney Airport had advised the complainant to postpone his journey from 4th to 5th October 1991. Another point to be considered is whether the officials of the opp. party-Airlines did assure the complainant to secure a transit visa at Chengi Airport, Singapore. The complainant in his complaint has averred thus; "...He was advised and assured by the said officials of the Airlines there that if he left Sidney on 5.10.91 i.e., by postponing his journey by 24 hours he would be getting the transit visa at Chengi Airport and he could be checked in only if he postponed his journey from 4.10.1991 to 5.10.1991. Therefore on the advice of the officials of the Airlines at Sidney, the complainant got the re-scheduling of his flight done in the office of the Airlines at Sidney Airport."

The complainant in his evidence has stated thus: "...I was aware of the fact that if I were to stay in Singapore I require a visa for stay. I am aware of the fact that the concerned Government only issue the visa. I know that there is a visa office in Sidney City. I had not gone to the visa office there."

The complainant has in his evidence has further stated thus: "It is not the duty of the Singapore Airlines to secure a visa for the but they had assured the in Sidney Airport to secure a transit visa for two nights in Singapore. The ground staff of Singapore. Airlines in Sidney Airport told me that I would have no difficulty in staying in Singapore for 2 nights. Though they did not say so specifically that they would secure a visa for the but when they assured me that there would be no difficulty for me to stay at Singapore for two nights I presumed that I would get a transit visa."

9. THIS evidence of the complainant would show that the opp. party-Airlines officials did not assure the complainant to secure a visa for his stay in Singapore.

10. THIS evidence of the complainant would dearly show that an unfortunate misunderstanding of the events. The complainant is a man of great status who might have travelled abroad on number of occasions. He knew the fact that it is not the duty of the Airlines to secure a visa for a passenger. These circumstances would, clearly go to show some mix-up of the events at Sidney Airport on 4.10.91 which unfortunately resulted in the embarrassment and inconvenience to the complainant at Chengi Airport, Singapore.

Having regard to these facts and in the circumstances of the case we are unable to hold deficiency in service on the part of the opp. Party -Airlines. In that view, point No. (a) is held against the complainant. Re. Point (b):

11. HAVING regard to our finding on point (a), consideration of this point does not arise. In the result, therefore, this complaint fails and it is dismissed. Parties are directed to pay and bear their own costs in this proceeding. Complaint dismissed.